

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WILLIAM J. KENNEDY,

Plaintiff,

vs.

HOLIDAY CAPITAL GROUP, LLC,

Defendant.

Case No. 2:13-cv-01628-GMN-GWF

**ORDER**

Plaintiff's Motion for Default Judgment (#2)

This matter comes before the Court on Plaintiff's Motion for Default Judgment (#2), filed on October 24, 2013.

Plaintiff filed a Civil Rights Complaint (#1) pursuant to 42 U.S.C. § 1983 on September 9, 2013. Plaintiff, however, has not yet submitted an Application for Leave to Proceed *In Forma Pauperis* in lieu of paying the filing fee. As such, Plaintiff's Motion for Default Judgment is premature and must be denied at this time. If Plaintiff wishes to proceed with this action, he must either submit the full filing fee of \$400, or resubmit his Complaint (#1) with an Application to Proceed *In Forma Pauperis* to allow for Court screening pursuant to 28 U.S.C. § 1915. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Default Judgment (#2) is **denied** without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall send Plaintiff a non-prisoner Application for Leave to Proceed *In Forma Pauperis*.

DATED this 2nd day of April, 2014.

  
 GEORGE FOLEY, JR.  
 United States Magistrate Judge